

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: October 13, 2022

TO: Division of Engineering, Office of Primary Responsibility

FROM: OFFICE OF COMMISSION CLERK

RE: CONFIDENTIALITY OF CERTAIN INFORMATION
DOCKET NO(s): 20220069-GU DOCUMENT NO(s): 09230-2022
DESCRIPTION: FEA (Duffy) - (CONFIDENTIAL) Certain information provided in response to staff's 1st request for PODs (No. 1).
SOURCE: Federal Executive Agencies

The above confidential material was filed with a request for confidential classification. Please complete the following form by checking all applicable information and forward it to the attorney assigned to the docket, along with a brief memorandum supporting your recommendation.

- The document(s) is (are), in fact, what the utility asserts it (them) to be.
- The utility has provided enough details to perform a reasoned analysis of its request.
- The material has been received incident to an inquiry.
- The material is confidential business information because it includes:
 - (a) Trade secrets;
 - (b) Internal auditing controls and reports of internal auditors;
 - (c) Security measures, systems, or procedures;
 - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms;
 - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information;
 - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities;
- The material appears to be confidential in nature and harm to the company or its ratepayers will result from public disclosure.
- The material appears not to be confidential in nature.
- The material is a periodic or recurring filing and each filing contains confidential information.

This response was prepared by DRB up on 10/19/22 a copy of which has been sent to the Office of Commission Clerk and the Office of General Counsel.

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-M-E-M-O-R-A-N-D-U-M-

DATE: October 19, 2022

TO: Walter Trierweiler, Senior Attorney, Office of the General Counsel

FROM: Dale R. Buys, Public Utilities Supervisor, Division of Accounting & Finance 

RE: Staff recommendation on confidentiality of certain information provided in FEA's response to Staff's 1st request for PODs (No. 1)

DOCKET NO: 20220069-GU; DOCUMENT NO: 09230-2022

SOURCE: Federal Executive Agencies

On October 12, 2022, Federal Executive Agencies (FEA) filed a request for confidential classification pursuant to Section 366.093(3)(e), Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C), for information contained in FEA's response to Staff's Fourth Request for Production of Documents (No. 10).

FEA claims the confidential information is intended to be and has been treated by FEA as private, its confidentiality has been maintained, and its disclosure would cause harm to FEA. Pursuant to Section 366.093, F.S., such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. FEA also claims that the confidential information contains information relating to financial reports that were obtained through paid subscription services, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the documents are excerpts from financial and economic periodicals and books and other publications used by FEA witness Christopher C. Walters to support his direct testimony.

Staff reviewed the documents provided in the discovery response and concurs with FEA. In staff's opinion, FEA's request meets the criteria for confidentiality set forth in Section 366.093(3)(e), F.S., and Rule 25-22.006, F.A.C. Therefore, staff recommends that FEA's request for confidential classification be approved.